



Case No. 1:10-CV-02894  
Gwin, J.

U.S.C. § 636(b)(1)(C). Parties must file any objections to a Report and Recommendation within fourteen days of service. Id.; Fed. R. Civ. P. 72(b)(2). Failure to object within this time waives a party's right to appeal the magistrate's report. Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without review. See Thomas, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, the Court's review of the public docket in the Petitioner's state court appeal confirms that he has exhausted state court remedies for the claim. He appealed the due process issue claimed as the fourteenth ground for habeas relief before the Ohio Court of Appeals, [Doc. 8-42], but the appellate court rejected his direct appeal, denied his motion for reconsideration, and the Ohio Supreme Court dismissed his subsequent appeal. See State of Ohio v. Darrell Bruce, CA-10-095064 (Ohio App. May 5, 2010). Accordingly, the Court **ADOPTS** in whole Magistrate Judge White's Report and Recommendation and incorporates it fully herein by reference, and **DENIES** the Respondent's Motion to Dismiss.

IT IS SO ORDERED.

Dated: February 3, 2011

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE